



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

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| IN THE MATTER OF THE LICENSE OF | : | Administrative Action |
| | : | |
| | : | FINAL ORDER |
| | : | OF DISCIPLINE |
| KENISHA M. DENT, LPN | : | |
| License # 26NP06835700 | : | |
| | : | |
| | : | |
| TO PRACTICE NURSING IN THE | : | |
| STATE OF NEW JERSEY | : | |

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kenisha M. Dent ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Board records indicate that Respondent had been arrested in 2009 and was convicted of Driving While Intoxicated (DWI) and that she had been arrested in January 2014 for Simple Assault and the charge was dismissed.

3. On or about May 26, 2014, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent answered "Yes" and certified that answer by submitting the online application.

4. Upon receipt of information indicating that Respondent was arrested on February 2, 2015 the members of the Vineland Police Department for violations of N.J.S.A. 2C:12-1B(2) (Aggravated Assault With Weapon) and N.J.S.A. 2C:39-4D (Possess Weapon Unlawful Purpose) and N.J.S.A. 2C:39-5D (Possess Weapon), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and proof of completion of required continuing education to Respondent's address in Vineland, New Jersey, via regular and certified mail on or about February 25, 2015. The regular mailing was not returned. The receipt of the certified mailing was returned as "Unclaimed."

5. Respondent provided a partial response, but has still failed to provide: police report with supporting statements, municipal court complaint, indictment, accusation, plea agreement, disposition, sentencing, proof of completion of

probation/sentencing/payment of fines, and proof of having completed continuing education from 2012 to the present.

CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2012 to May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Lastly, Respondent's third arrest within the last six years raises sufficient concern such that testing, monitoring, evaluation, and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 9, 2015, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties, as well as requiring respondent to undergo evaluation through the Recovery and Monitoring Program of New Jersey (RAMP). A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law

by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order. She provided the information and documentation sought in the Board's original inquiry, explaining that she believed the Board had concluded its investigation when she advised the Board that the matter had been dismissed. With respect to continuing education, respondent provided documentation of timely completion of required continuing education for the 2012-2014 licensing cycle. Therefore, the Board determined that suspension was no longer applicable, nor was the reprimand for misrepresentation on the 2014 renewal application, or the \$250 penalty for failure to timely complete required continuing education. The Board found, however, that imposition of the \$500 civil penalty for the violation of N.J.A.C. 13:45C-1.2, -1.3 was warranted, as Ms. Dent's failure to provide the documentation requested made it necessary for the Board to issue an order to obtain the material it had asked for, thus delaying a review of this matter and resulting in a waste of Board resources and time. With respect to undergoing evaluation and monitoring under the auspices of

the Recovery and Monitoring Program of New Jersey, the Board notes that respondent's arrest resulted from a dispute over food with her former boyfriend that escalated, and that she had previously been arrested for simple assault in 2014. This most recent arrest was described by respondent as featuring a violent dispute, wherein she was beaten "from head to toe," with her being hospitalized, and wherein she resorted to a kitchen knife to frighten her boyfriend away. The Board finds that in light of the two arrests involving violent incidents in two successive years, even if respondent was not the aggressor, a mental health examination is warranted to ascertain, pursuant to N.J.S.A. 45:1-22(f), that respondent's continued practice does not jeopardize the public welfare.

ACCORDINGLY, IT IS on this 10th day of February, 2016,

ORDERED that:

1. Respondent shall undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program ("RAMP"), to demonstrate that she is fit and competent to practice nursing.

2. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by

the Board of that information in any proceedings.

3. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

4. Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PLD APN
Patricia Murphy, PhD, APN
Board President